

ORDER

1. The Clerk of Court is directed to amend the caption of this action to substitute the City of Harrisburg (“Defendant City”) for the incorrectly named defendant Harrisburg City Police Department;¹
2. The Clerk of Court is directed to terminate Defendant Dauphin County Adult Probation as a defendant in this action;
3. Plaintiffs’ federal claims pursuant to 42 U.S.C. § 1983 against Individual Defendants Daril Foose, Brian Carriere, Scott Johnsen, Adrienne Salazar, Travis Banning, and Dan Kinsinger (collectively the “Individual Defendants”) for conspiracy (Count I), failure to intervene (Count II), and failure to render medical care (Count V) are **DISMISSED WITHOUT PREJUDICE** to Plaintiff’s right to file an amended complaint, within thirty (30) days of the date of this Order, that

¹The complaint in this action does not name the City of Harrisburg as a defendant; rather, “Harrisburg City Police Department” is the named institutional defendant for Harrisburg. (Doc. No. 1.) The correct defendant is the City of Harrisburg itself rather than the police department, as acknowledged by the City in its motion to dismiss (Doc. No. 12) and by Plaintiffs in their brief in opposition (Doc. No. 22 at 1).

corrects the pleading deficiencies identified in the Memorandum issued concurrently with this Order;

4. Plaintiffs' state law claims against the Individual Defendants for negligence (Count VI), wrongful death (Count VII), and survival action (Count VIII) are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint, within thirty (30) days of the date of this Order, that corrects the pleading deficiencies identified in the Memorandum issued concurrently with this Order
5. Plaintiffs' federal claims pursuant to 42 U.S.C. § 1983 and Monell v. N.Y.C. Dep't of Soc. Servs., 436 U.S. 658 (1978) against Defendant City for failure to train (Count IV) and failure to render medical care (Count V) are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to file an amended complaint, within thirty (30) days of the date of this Order, that corrects the pleading deficiencies identified in the Memorandum issued concurrently with this Order; and
6. Plaintiff's state law claims for negligence (Count VI), wrongful death (Count VII), and survival action (Count VIII) as asserted against Defendant City and Defendant Dauphin County are **DISMISSED WITH PREJUDICE**.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania